

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARLON WATKINS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

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CIVIL ACTION NO. H-05-3233

MEMORANDUM AND ORDER

On March 28, 2007, Magistrate Judge Calvin Botley issued a Memorandum and Recommendation on Plaintiff Marlon Watkins' ("Watkins") Application for Award of Attorney Fees [Doc. # 32], brought pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

This Court has reviewed the Memorandum and Recommendation [Doc. #33], noting that no objections have been filed, and Watkins' Application for Attorney Fees. In support of Watkins' request for attorney's fees, he has established that he is the prevailing party and that an award of fees would not be unjust. *See Davidson v. Veneman*, 317 F.3d 503, 506 (5th Cir. 2003) (citing *Sims v. Apfel*, 238 F.3d 597, 599-600 (5th Cir. 2001)); *see also* Plaintiff's Application for Attorney Fees and Declaration


of Susan Carpenter [Doc. #32]. The Commissioner did not respond or otherwise object to the fees requested by Watkins. The Magistrate Judge determined that Watkins' request for attorney's fees was warranted. This Court concurs and, therefore, will adopt the recommendation of the Magistrate Judge that Watkins' motion for an award of attorney's fees be granted. It is, therefore,

ORDERED that the Memorandum and Recommendation [Doc. # 33] is **ADOPTED** as this Court's Memorandum and Order. It is further

ORDERED that Watkins' Application for Attorney Fees [Doc. # 32] is **GRANTED**. It is further

ORDERED that within sixty (60) days of the entry of this Memorandum and Order, the Commissioner is to pay Susan Carpenter, Esq., counsel for Watkins, three thousand nine hundred fifty-six dollars and twenty-five cents (\$3,956.25).

SIGNED at Houston, Texas on this the 17th day of April, 2007.



Nancy F. Atlas
United States District Judge